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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 JOSE N. AVILA,)
13 Plaintiff,)
14 v.)
15 KILOLO KIJAKAZI,¹)
16 Acting Commissioner of Social Security,)
17 Defendant.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
Case No.: 2:21-cv-00546-VCF
UNOPPOSED MOTION FOR VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)

18 Defendant Andrew Saul, Commissioner of Social Security (“Defendant”) respectfully
19 requests that the Court remand this action for further administrative action pursuant to section
20 205(g) of the Social Security Act, as amended, 42 U.S.C. section 405(g), sentence four. The
21 purpose of the remand is to offer Plaintiff a new decision.

22 On remand, the Commissioner will offer Plaintiff the opportunity for a hearing, conduct any
23 necessary further proceedings and issue a new decision. Defendant further requests that the Clerk of

24 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to
25 Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore,
for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit
26 by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing
2 the final decision of the Commissioner.

3 Counsel for Defendant conferred with Plaintiff's counsel, who has no opposition to this
4 motion, on December 1, 2021

5
6 Dated: December 2, 2021.

7 Respectfully submitted

8
9 CHRISTOPHER CHIOU
Acting United States Attorney

10 /s/ Marcelo Illarmo
11 MARCELO ILLARMO
12 Special Assistant United States Attorney

13 IT IS SO ORDERED:

14 
15 UNITED STATES MAGISTRATE JUDGE
16 DATED: 12-2-2021

CERTIFICATE OF SERVICE

I, Marcelo Illarmo, certify that the following individual(s) were served with a copy of the foregoing document on the date, and via the method of service, identified below:

CM/ECF:

Marc V. Kalagian - rohlfing.kalagian@rksslaw.com

Gerald M. Welt - gmwesq@weltlaw.com

Dated December 2, 2021.

/s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney